

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 59, 61-66, 68-73, and 75-83 are pending in the application, with claims 59, 66, 73, 81, 82, and 83 being the independent claims. Claims 59, 65, 66, 73, and 75-83 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 59, 61-66, 68-73, and 75-83 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Without acquiescing to the propriety of the rejection, Applicants have amended claims 59, 66, 73, 81, 82, and 83 in part to accommodate the Examiner's rejection.

Claim 59, as amended, deletes the recitation of "a set" of control signals, thereby accommodating that aspect of the Examiner's rejection. Moreover, the amendment to claim 59 recites the feature of uploading "an additional control signal" to the local device which is used to direct "an additional action in the primary functionality component."

As noted in the previous Reply, paragraph [0073] of the Specification states, "[d]ata received from remote system 12 can include that supporting audio and/or video output at local device 14, and also ***control signals for controlling primary functionality***

component 19.” These embodiments are presented by way of example, and are not intended to limit the claims.

The Examiner suggests, to which Applicants do not acquiesce, that the disclosure is limited to “control[ling] a primary functionality component from a remote location.” (Office Action, p. 3). The Examiner agrees that the Specification discloses “downloading data” at [0014], but then states that the Specification does “not expressly say that downloading includes control signals.” (Office Action, p. 3). The Examiner’s position is inconsistent with any reasonable reading of paragraph [0073], which describes the transfer of “speech **and other data** to and from the local device.” (Specification at [0073]). Paragraph [0073] clarifies that this “other data” includes “control signals for controlling primary functionality component 19.” (Specification at [0073]). Accordingly, claim 59 complies with the written description requirement, as it is evident to one skilled in the relevant art that the inventors had possession of the claimed invention at the time of filing.

Independent claims 66, 73, 81, 82, and 83 have been similarly amended, and also comply with the written description requirement for at least the same reasons as claim 59. Claims 61-65, 68-72, and 75-80 also comply with the written description requirement for at least the same reasons as claims 59, 66, and 73, from which they depend. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

The Examiner has additionally rejected claims 59, 61-66, 68-73, and 75-83 under 35 U.S.C. § 112, second paragraph, as allegedly “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards at

the invention.” (Office Action, p. 4). The Examiner argues that the “communication module” of these claims “is indefinite because there is no clear basis of correspondence between that term and what is disclosed by the Specification.” (Office Action, p. 4). Without acquiescing to the propriety of the rejection, Applicants have amended claims 59, 81, 82, and 83 to accommodate the Examiner’s rejection. Applicants further note that claims 66 and 73 nowhere recite a “communication module,” and are therefore not indefinite for the reasons advanced by the Examiner. Claims 61-65, 68-72, and 75-80 also comply with 35 U.S.C. § 112, second paragraph, for at least the same reasons as claims 59, 66, and 73, from which they depend. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Rejections under 35 U.S.C. § 103

Claims 59, 61-66, 68-73, and 75-83 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,774,859 to Houser et al. (“Houser”) in view of U.S. Patent No. 6,282,268 to Hughes et al. (“Hughes”). Applicants respectfully traverse these rejections.

Claim 59 recites, *inter alia*, “wherein the transceiver is further configured to upload an additional control signal to the local device for directing an additional action in the primary functionality component.” Hughes does not teach or suggest this feature, nor does the Examiner rely on Hughes as allegedly teaching or suggesting this feature. Instead, the Examiner compares the downloading of second vocabulary data from a head-end installation in Houser to this feature of claim 59. (Office Action, p. 7).

The indicated section of Houser is directed to second vocabulary which “permits a user *to use spoken commands to implement basic television control*, EPG control, VCR control, and event programming.” (Houser, col. 23, ll. 47-50). This allows a user of the Houser system access to speak commands they could not speak previously, but only for the purpose of implementing “basic” controls (i.e., existing control signals). Houser says nothing of *uploading* a “control signal,” as recited in claim 59; rather Houser merely describes providing a way by which *existing* control signals may be invoked by a user using downloaded vocabulary. Therefore, Houser is very different from the claimed feature of claim 59.

Independent claims 66, 73, 81, 82, and 83 recite similar features as claim 59, using respective language, and are also not rendered obvious by the combination of Houser and Hughes for at least the same reasons as claim 59. Claims 61-65, 68-72, and 75-80 are also not rendered obvious by the combination of Houser and Hughes for at least the same reasons as claims 59, 66, and 73, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

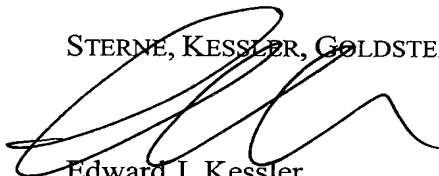
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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